UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,883	10/10/2001	John R. Hind	RSW920010194US1	7074

			EXAMINER
25260	7590	02/13/2006	WOO, ISAAC M

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ART UNIT	PAPER NUMBER
2166	

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/973,883	HIND ET AL.
	Examiner	**Art Unit**	
	Isaac M. Woo	2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>04 November 2005</u>.

2a)☒ This action is **FINAL.** 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8 and 10-19* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-5,7,8 and 10-19* is/are rejected.

7)☒ Claim(s) *6* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is in response to Applicant's Amendments, filed on November 04,

2005 have been considered but are deemed moot in view of new ground of rejections

below.

2.   Claims 1, 3, 6-8 and 10-19 are amended. Claims 9 and 20 are canceled. Claims

1-8 and 10-19 are pending.

Claim Rejections - 35 USC § 112

3.   Claims 1 and 18-19 rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Claims 1, 18 and 19 are rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention. Claim 1 recites, "comparing a manner in which

the swiping was performed" in line 5 and "what manner of swiping indicates an

identification of dynamically-identified" in lines 6-7. Claims 18 recites, "what manner of

swiping indicates an identification of dynamically-identified" in lines 7-8. And claim 19

recites, "what manner of swiping indicates an identification of dynamically-identified". It

is not clearly understood what is meant by. Applicants are advised to amend the claim

so solve the 112 rejection set forth in the claim.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1-5, 7-8 and 10-19 are rejected under 35 U.S.C. 102(e) as being

anticipated by Kenyon et al (U.S. Patent No. 6,792,430, hereinafter, "Kenyon").

With respect to claims 1, Kenyon discloses, detecting, by a user input monitor

(i.e., 16, user selects URL in fig. 1, col. 4, lines 24-28), a user has swiped across an

element of a rendered representation of an electronic object (user selecting electronic

object of URL graphically grouped, col. 4, lines 25-37); comparing a manner in which

the swiping was performed, responsive to the detecting (i.e., 16, user selects URL in fig.

1, col. 4, lines 24-28), to previously-defined settings (18 in fig. 1, col. 4, lines 28-36, i.e.,

checking if user selected URL is in current overlay), specify what manner of swiping

indicates an identification of dynamically-identified (col. 4, lines 28-36), user-defined

organizing criteria (i.e., checking if URL is in current overlay) (18 in fig. 1, col. 4, lines

28-36, i.e., checking if user selected URL is in current overlay); and storing, if the

comparing step determines, the manner in which the swiping was performed is

consistent with the specified settings (26 in fig. 1, col. 4, lines 37-53), the swiped

element in a repository of criteria (30 in fig. 1, col. 4, lines 53-65, selected URL criteria

defined), from which the stored element can subsequently be selected for inclusion in a

pattern to be matched against electronic objects programmatically for organizing the

electronic objects, see (col. 5, lines 14-37, selected URL criteria is defined and saved

for next URL criteria request, "for inclusion" is claim limitation may not distinguish over

the prior art because of intended use limitation).

With respect to claim 2, Kenyon discloses, enabling the user to configure the

defined setting, see (fig. 2, col. 37-53).

With respect to claim 3, Kenyon discloses, repeatedly swiping across a word, a

phrase, or one or more contiguous characters in the rendered representation, and the

storing steps stores the swiped across word, phrase, or one or more contiguous

characters as the stored element, see (col. 5, lines 14-37).

With respect to claim 4, Kenyon discloses, the word, phase, or the characters

is/are rendered from a text document, see (col. 5, lines 14-37).

With respect to claim 5, Kenyon discloses, the word, phase, or the characters is/are rendered from an e-mail message, see (col. 5, lines 14-37).

With respect to claim 7, Kenyon discloses, swiping one or more words, phrases, or characters in the rendered representation as the element, see (col. 5, lines 14-37).

With respect to claim 8, Kenyon discloses, swiping across a portion of images in the rendered representation as the element, see (col. 5, lines 31-68).

With respect to claim 10, Kenyon discloses, building one or rules, each rule specifying a pattern, comprises at least one organizing criteria to be matched against electronic objects for programmatically organizing the electronic objects, wherein the stored element id used as one of the organizing criteria in at least one of the rules, see (col. 5, lines 31-68).

With respect to claim 11, Kenyon discloses, detecting, the user swiped across the element by moving a mouse device across the element at least twice, see (fig.1, col. 4, lines 54-65).

With respect to claim 12, Kenyon discloses, detecting, the user swiped across the element by moving a light pen device across the element at least twice, see (fig.1, col. 4, lines 54-65).

With respect to claim 13, Kenyon discloses, detecting, the user swiped across

the element by moving his or her finger at least twice across the element, wherein the

element is rendered on a plasma panel device, see (fig.1, col. 4, lines 54-65).

With respect to claim 14, Kenyon discloses, detecting, the user swiped across

the element using an audio mechanism by speaking commands in the manner specified

in the previously-defined settings, see (fig. 1, page 3, section [0041]-[0043]).

With respect to claim 15, Kenyon discloses, detecting, the user swiped across

the element using a video mechanism by passing his or her eyes repeatedly over the

element, see (col. 4, lines 12-44).

With respect to claim 16, Kenyon discloses, swiped across multiple times to

indicate the identification, see (col. 4, lines 12-44).

With respect to claim 17, Kenyon discloses, adding the swiped across element to

organizing criteria of an index, causing to become adaptive to the user swipings, see

(col. 5, lines 14-38).

With respect to claims 18, Kenyon discloses, detecting, by a user input monitor

(i.e., 16, user selects URL in fig. 1, col. 4, lines 24-28), a user has swiped across an

element of a rendered representation of an electronic object (user selecting electronic

object of URL graphically grouped, col. 4, lines 25-37); comparing a manner in which

the swiping was performed, responsive to the detecting (i.e., 16, user selects URL in fig.

1, col. 4, lines 24-28), to previously-defined settings (18 in fig. 1, col. 4, lines 28-36, i.e.,

checking if user selected URL is in current overlay), specify what manner of swiping

indicates an identification of dynamically-identified (col. 4, lines 28-36), user-defined

organizing criteria (i.e., checking if URL is in current overlay) (18 in fig. 1, col. 4, lines

28-36, i.e., checking if user selected URL is in current overlay); and storing, if the

comparing step determines, the manner in which the swiping was performed is

consistent with the specified settings (26 in fig. 1, col. 4, lines 37-53), the swiped

element in a repository of criteria usable by the processor for programmatically

organizing electronic objects (30 in fig. 1, col. 4, lines 53-65, selected URL criteria

defined), stored element to be subsequently selected as an organizing criteria for use in

a rule, the rule can subsequently used for programmatically for organizing the electronic

objects, see (col. 5, lines 14-37, selected URL criteria is defined and saved for next URL

criteria request, "for use" and "for programmatically organizing...." are claim limitation

may not distinguish over the prior art because of intended use limitation).

With respect to claims 19, Kenyon discloses, detecting, by a user input monitor

(i.e., 16, user selects URL in fig. 1, col. 4, lines 24-28), a user has swiped across an

element of a rendered representation of an electronic object (user selecting electronic

object of URL graphically grouped, col. 4, lines 25-37); compare a manner in which the

swiping was performed, responsive to the detecting (i.e., 16, user selects URL in fig. 1,

col. 4, lines 24-28), to previously-defined settings (18 in fig. 1, col. 4, lines 28-36, i.e.,

checking if user selected URL is in current overlay), specify what manner of swiping

indicates an identification of dynamically-identified (col. 4, lines 28-36), user-defined

organizing criteria (i.e., checking if URL is in current overlay) (18 in fig. 1, col. 4, lines

28-36, i.e., checking if user selected URL is in current overlay); store, if the comparison

determines, the manner in which the swiping was performed is consistent with the

specified settings (26 in fig. 1, col. 4, lines 37-53), the swiped element in a repository of

criteria usable by the processor for programmatically organizing electronic objects (30 in

fig. 1, col. 4, lines 53-65, selected URL criteria defined), stored element to be

subsequently selected as an organizing criteria in a rule, the rule can subsequently

used for programmatically for organizing the electronic objects, see (col. 5, lines 14-37,

selected URL criteria is defined and saved for next URL criteria request, "for

programmatically organizing...." are claim limitation may not distinguish over the prior

art because of intended use limitation).

Allowable Subject Matter

6.   Claim 6 is objected to as being dependent upon a rejected base claim, but would

be allowable if rewritten in independent form including all of the limitations of the base

claim and any intervening claims.

Conclusion

7.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Contact Information

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Isaac M. Woo whose telephone number is (571) 272-

4043. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Hosain T. Alam can be reached on (571) 272-3978. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

IW
January 30, 2006

JEAN M. CORRIELUS
PRIMARY EXAMINER